



BOARD OF OUTFITTERS

Volume 1, Issue 2

May 2002

FROM THE CHAIRMAN

Ray Rugg

Howdy,

Just so you know that our first newsletter was not a one shot deal, here we go again. Since the main focus of having a newsletter is to get information out to everyone and try to keep everyone up on new developments, please let us know what you think and what you would like to see.

Our staff has been to FOAM, MOGA, & PWO meetings and been able to meet & discuss your problems & concerns but that does not take in all of the industry or licensees. I would strongly encourage each of you to join a trade association which will voice your concerns and keep you informed on changes before they happen. The Board is in place to protect the health, safety, & welfare of the public by putting in effect the laws pertaining to the industry. If you do not agree with these laws they can be changed through the legislation but this usually takes lobbying by a group such as an association and the larger the group, the more power to change.

On to another subject violations, if you are found guilty, plead guilty or forfeit bond, to any fish & game or outfitting violations of any state or federal government you will be facing disciplinary action from the Board. If you do not feel

that you are guilty the place to fight it is in the court before it comes to the board. We are currently in the process of revamping our penalty schedule for upper & lower limits of fines, but we would rather not have licensees with violations, as our objective is compliance.

We are making progress as many of you have updated your operation plans and we are getting a truer picture of what the industry is doing, as this continues we will be able to put the information to maps that everyone can understand. Once again please come to any meeting that you can and see what your Board is doing.

MEET THE BOARD MEMBERS

Mel Montgomery
(Outfitter)

My appointment to the board is a result of being nominated by MOGA, which I have been a member since 1989. It is my desire to serve our industry in a fair and equitable manner and I hope my efforts will help to build a trust between honest, hard working outfitters and the board.

Back in the early 50's my grandfather bought a ranch outside Lima in the SW corner of Montana. My father was sent to manage it. Growing up on the remote Centennial Valley Ranch and attending grades 1-6 in a one-room school, taught me much about the old fashioned way of doing things. Even now, at age 46, things haven't changed much in me or the valley. After graduating from Lima High School, I kind of led a gypsy life of college, oilrigs, Alaska pipeline, highway construction, you name it. Fortunately, between God and a good woman, I settled down to raise a family and build this outfitting business which we started in 1987.

Chris and I run guided hunts, summer pack trips, put up some hay and just try to be where we're needed most. It's a good life although sometimes we need to rely on some of that "undaunted" courage when things get kind of rough. We try to stop and count the blessings. Reminds me of one particular trip we took into Hell-Roaring Creek with a group of guests last summer. With Chris cooking, daughter Erin (15) wrangling, and son Seth (7) camp tending, I could hardly find anything to do myself but just listen to our guests tell me how lucky I was to live here. Come to think of it, there're right!

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The members and staff of this Board are sincere people who work hard for you. The decisions made are sometimes difficult and may not fit everyone's individual needs. In these cases, we need your understanding and encouragement. Do the best work you can and together we'll make Montana's outfitting industry the best there is.

FROM THE EXECUTIVE DIRECTOR

Hank Worsech

Ray Rugg, Jack Billingsley, and I attended a multi-state "Board of Outfitters" Meeting in Grand Junction, Colorado in mid April. This was a very good meeting and the second meeting we have attended. The first meeting was in the fall of 2000, in Cheyenne, Wyoming. One good thing about the meeting is we realized the problems we face in the outfitting industry are not just a problem in Montana and we don't have it as bad as we think. One of the items that came out of the meeting is a Memorandum of Understanding (MOU) with the states to help stop the spread of illegal outfitting from one state to another. Montana will be hosting the next meeting in May 2003 and hopefully we will have more states attending. I have been receiving calls from other states that are developing "Boards" to regulate the outfitting industry.

At the June 12th Board Meeting, the Board will be going over the new "proposed" rules. If everything is ok, the rules will be sent out for notice and public comment. Please review the rules and provide comment either positive or negative. They are your rules, and this is when you can voice your opinion.

The Automated Licensing System (ALS) from FWP has been a challenge. Chris will talk to you about this in his article. He has been the main point of contact for this item. Please bear with us on this, many good things will arise from the change to this system. One good thing that came out of the ALS, is we will be providing the client logs to all outfitters who have Outfitter's Sponsored License clients. These logs will provide all the client information; all the outfitter will have to do is fill in the Guide and harvest information. The client information on Outfitter's Sponsored License Client Logs will be provided by FWP and we should have them out to you in August 2002. This should be helpful when keeping track of who received Outfitter's Sponsored Licenses.

Read and understand the statutes and rules pertaining to outfitters and guides! It is your responsibility as a licensee to follow the laws and rules of your profession. If you need a current copy contact the Board Office and we will get a copy to you. Statutes and Rules are also available from our WEB page @ http://www.state.mt.us/dli/bsd/license/bus_licensing_boards.htm If you have any questions about the statutes or rules contact the Board

Office and we will explain.

About two and one-half years ago the Board quit charging for amendments to operation plans. The Board felt they should make compliance easy, and thus no fee. We are currently working on placing the operation plans in a database, which will enable us to provide each outfitter with a simple one page "Visual Audit Sheet" of his/her operation plans. That way each outfitter will know what is on file with the Board Office and updates for the operation plan can be made easier. Just one more step towards compliance.

If you ever have questions or concerns about the Board, Rules, Policies, etc. please don't hesitate to call. The Board office is here to help you comply with the statutes and rules governing the outfitting industry.

FROM THE STAFF

From the Desk of Debbie Tomaskie

Here is a collection of important facts . . .

Outfitters are responsible for making all agreements with clients concerning monetary consideration or services offered, and to personally collect all fees from his or her clients. However, the outfitter may designate "an agent" to collect fees from clients. The Board's policy is that you submit a written statement identifying who you have designated and whether the agent will be collecting fees, making agreements or both. Remember that the outfitter is still solely responsible for complying with his or her deposit and deposit refund policy and furnishing each client with a current and complete rate schedule, which includes all charges, a deposit policy, and deposit refund policy.

Guides and professional guides are not allowed to advertise "outfitting" services except in cases where the guide or professional guide owns the outfitting business. The advertisement must identify the endorsing and supervising outfitter for the business. When advertising "guiding" services, the guide must clearly designate his/her license number, and the name, address and telephone number of his or her endorsing outfitter.

All licensees must clearly designate who the responsible outfitter is in any advertisement of outfitting, guiding or professional guiding services.

An outfitter may exceed NCHU in any given year by the following percentage without formally requesting an NCHU expansion: 10% for an outfitter with 1 to 50 clients; 8% for an outfitter with 51 to 100 clients; 2% for an outfitter with 101 to 300 clients. The flexibility to exceed NCHU in any given year, does not apply to an outfitter who has been previously granted an NCHU expansion.

CALENDAR OF EVENTS

BOARD MEETINGS

OPEN SESSION

DATES: APRIL 3, 2002

JUNE 12, 2002

AUGUST 27, 2002

DECEMBER 18, 2002

PLACE: ROOM 408, "OLD" FEDERAL BUILDING,
HELENA

SCREENING & ADJUDICATION PANELS

DATES: APRIL 2, 2002

JUNE 11, 2002

AUGUST 26, 2002

DECEMBER 17, 2002

PLACE: ROOM 408, "OLD" FEDERAL BUILDING,
HELENA

OUTFITTER TEST

DATES: JANUARY 8, 2002

APRIL 9, 2002

JULY 9, 2002

OCTOBER 8, 2002

TIME: 9:00 A.M.

PLACE: ROOM 408, "OLD" FEDERAL BUILDING,
HELENA

**** APPLICATION DEADLINE FOR THE TEST IS
30 DAYS PRIOR TO SCHEDULED TEST DATE***

IMPORTANT DATES:

DECEMBER 31, 2002 (OUTFITTER RENEWAL
DEADLINE)

OUTFITTER RENEWALS POSTMARKED (JAN 1- JAN 31)
\$100.00 LATE FEE

OUTFITTER RENEWALS POSTMARKED (FEB 1- MAR 31)
\$300.00 LATE FEE

The NCHU of an existing outfitting business transfers with the operations plan for that business unless the business has not been in operation for at least 3 years. Upon the expiration of 5 ½ years after transfer, the client base must be adjusted to reflect the highest number of clients served in any category during the preceding 5 ½ years, not to exceed the total authorized by the NCHU.

FROM CHRIS BERNET

Hello Montana,

My name is Chris Bernet, and I am the newest member of the Board of Outfitters. My main responsibility is our guides. I process the guide license applications, issue the guide licenses, and do everything else involved with getting our guides ready to go. I also have many other challenging duties like filing and making coffee!

I am from Helena, and I have spent most of my life here in Montana. I've done a lot of hunting, backpacking, and mountain biking here; and I can almost call myself a guitar player.

If you have any questions about, or problems with, the guide license process – *call me*. We can work through any problem you might have, and I can help prevent complications from incomplete applications, etc. As many of you know from talking with me on the phone, I take my work, and your profession, seriously. I try to be fair, consistent, and reasonable in my position here. And, I want to make this entire process as easy and simple as it can be.

Also, If you have general questions or requests, I am a good first point of contact for you because you will be able to reach me at my direct line (406-841-2371) the majority of the time.

Now, on to my most frequent question – Conservation License numbers. I'm sure you know by now that Fish & Game has changed their licensing system. The new license numbers are a combination of birth date and the ALS#. The ALS# indicates the chronological sequence the license was purchased. So, if you buy a license and your ALS# is a "6" that means you were the sixth person with your specific birth date to purchase the license. This system applies to all the licenses; fishing, hunting, and conservation.

Thus, all of you outfitters that are collecting license numbers for your client logs, get the date of birth and the ALS#.

And, you guides filling out a guide license application – put your ALS# in the space that asks for conservation number. (Your date of birth is on the application already, so with

your ALS#, we will have the two crucial numbers necessary to process the application.)

If you are still unclear about this just give me a call, it's easier for me to explain this by talking to you.

Good luck this season. It looks like we have a good snow pack in the mountains and the fish are biting.

GENERAL INFORMATION FROM THE BOARD AND STAFF:

- **NEW CHANGE TO THE STATUTES: (37-47-316) OUTFITTERS WHO RECEIVED AN NCHU EXPANSION** have until December 31, 2004 to establish new NCHU numbers
- **NEW CAMPS (37-47-318(1)(C))** annual fee of \$5,000.00 for new camps located more than one 100 mile radius from the base of operations and located in another FWP administrative region.
- **WATERCRAFT ID STICKERS (8.39.419)** Make sure you display your watercraft ID when serving clients. Remove or cover the sticker when you are using the watercraft without clients.
- **OUTFITTERS ENDORSING GUIDE APPLICATIONS** Make sure you check your guides background and ensure his/her First Aid is current before you sign the application. *It is your responsibility.*
- **TEMPORARY (EMERGENCY) GUIDE APPLICATION (8.39.514(5))** Only one Temporary Guide application is sent with your license, make sure you do not lose or misplace it we will not send another one out.
- **INSPECTION (8.39.418)** Inspections by a board representative may be made at any reasonable time to ensure laws and rules are followed to protect public health, safety and welfare.

Current Board Members

Mr. Jack Billingsley
PO Box 768
Glasgow MT 59230
(406)367-5577
"Outfitter"

Mr. Mel Montgomery
Box 92
Lima MT 59739
(406)276-3463
"Outfitter"

Ms. Jennifer Cote
3314 Paxson
Missoula MT 59801
(406)549-4719
"Sportsperson"

Mr. Ray Rugg
Board Chairman
50 Dry Creek Rd
Superior MT 59872
(406)822-4240
"Outfitter"

Mr. Richard Pasquale
2629 Old US Hwy 91
Cascade MT 59421
(406)763-4761
"Outfitter"

Mr. Wayne Underwood
PO Box 1559
Billings MT 59103
(406)652-4344
"Sportsperson"

Mr. Leslie Dolezal
3428 Fife Circle
Billings MT 59101
(406)252-5995
"Public Member"

Administrative Staff (406)444-3738

Hank Worsech, Executive Director (841-2370)
Debbie Tomaskie, Licensing Certification Specialist (841-2373)
Brooke Jasmin, Licensing Specialist (841-2372)
Chris Bernet, Licensing Clerk (841-2371)
Dan Dellinger, Compliance Specialist (841-2374)
Gail Keith, Compliance Specialist (841-2375)
Jack Atkins, Prosecuting Counsel
Lon Mitchell, Legal Counsel

- **L-1's AND OPERATION PLAN AMENDMENTS** must be approved by the Board office PRIOR to providing services
- Visit our WEB page at:
http://www.state.mt.us/dli/bsd/license/bus_licensing_boards.htm
Select "Outfitters" and "Go"

FROM THE FIELD

Dan Dellinger

Hank asked me to write a brief introduction about myself and what is going on the enforcement side of the Staff.

I am a Montana native, borne and raised in the Three Forks area. I am married (almost 30 years) with 2 married children and 4 granddaughters. I have over 26 years in Law Enforcement with the Air Force, Police Officer, and as a Deputy Sheriff. I was also a licensed Outfitter and in business with my father and brothers. I started with the Board of Outfitters as an Investigator/Compliance Specialist in May of 1999.

When I started with the Board I immediately noticed a major problem. No communication. The Outfitters were leery of the Board because they might get into trouble. The law enforcement agencies thought the Board was the "Fox guarding the Chicken Coop". This caused a lot of problems. After many long hours of discussions and cussens we came to a major decision (with the backing of the Board). That was to get us out into the field as much as possible. My goal was to meet with as many Outfitters, Guides, Game Wardens, Forest Service people feedback from them. Man did this open a lot of doors. I discovered a lot of misconceptions out there about the Board of Outfitters. I have attended MOGA meetings, stopped and visited shops and camps. In all my travels one thing kept jumping out at me, NO COMMUNICATIONS. This problem was going in both directions. It was decided to have the staff as visible as possible, we knew we had to get out of the office to meet and talk with people. This decision has resulted in us conducting Compliance checks on the Outfitters and Guides. Also going and meeting with the Game Wardens at their training sessions and getting the information out to everyone. Our main goal as staff members of the Board is to get every Outfitter and Guide in Compliance, to know and understand the Statues and Rules that govern our industry. To insure that the enforcement of these laws and rules are understood by everyone. In my travels I have met a lot of very professional people out there, but I have also found a few that weren't. As Outfitters and Guides we must present ourselves as professionals and we must be held to that Higher Standard that goes with being a professional. I know that sometimes we don't agree with all the Laws and Rules, but they are there and we must follow and enforce them. If you don't like it, don't blame the "BOARD", make the effort to change it or try and find out why it became a law or rule. We must all work together to improve the industry. Remember the main reason for the laws is to provide for the safety and welfare of the clients.

Thank you for your cooperation and courtesy and I look forward to meeting you. If you have any questions call us; we are here to help everyone.

The following is a list of disciplinary action taken at the April 2, 2002 Adjudication Panel Meeting:

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Jim Allison [outfitter]: one-year license probation and \$300.00 administrative fine. [Board violation – served clients on an expired First Aid card] Ennis, MT

Greg Fine [outfitter]: \$600.00 administrative fine. [FWP violations-operated outside his approved operations plan, retained the services of an unlicensed guide and failed to submit records to the Board] Custer, MT

Larry Lammers [guide]: one-year license probation and \$300.00 administrative fine. [Board violation – altered a First Aid card to obtain a guide license] Shawmut, MT

Jeff Puente [guide]: one - year license probation and \$300.00 administrative fine. [FWP violation – intentionally wasting a species of sport fish in Alaska] Hardin, MT

Kyle Rausch [guide]: one- year license probation and \$300.00 administrative fine. [FWP violation – unlawful possession /transportation of spike bull elk] Dillon, MT

Jason Schillinger [guide]: one- year license probation and \$300.00 administrative fine [FWP violation – hunting from a vehicle] Circle, MT

Guy Shanks [outfitter]: one-year license probation and \$300.00 administrative fine. [Board violations – failed to have a current rate and refund policy] Bigfork, MT

Wayne Smeaton [guide]: two-year license probation and \$600.00 administrative fine. [Board violation – altered a First aid card to obtain a guide license.] Helena, MT